

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

RICKY NEWELL, # 123642,

Plaintiff,

v.

CASE NO. 06-CV-12668

HON. MARIANNE O. BATTANI

KEVIN ESTES,

Defendant.

\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND RECOMMENDATION  
TO DISMISS FOR FAILURE TO PROSECUTE**

This matter came before the Court on Plaintiff's Objection to the Report and Recommendation to Dismiss for Failure to Prosecute (Doc. No. 51). For the reasons that follow, the Court Adopts the Report and Recommendation to Dismiss for Failure to Prosecute.

Plaintiff Ricky Newell filed suit against Defendant Kevin Estes, a former employee of the Huron Valley Center. Because Newell is a state prisoner, the U.S. Marshal was directed to effectuate service. The Magistrate Judge subsequently filed a Report and Recommendation, in which he recommend the claims against Estes be dismissed for lack of prosecution. Because the Court was hesitant to dismiss the lawsuit without a final attempt at service, it entered an order redirecting service.

The U.S. Marshal was unable to effectuate service upon Defendant Estes. Accordingly, the Court **ADOPTS** the Report and Recommendation and **DISMISSES** the claims against Estes for lack of prosecution. Because Estes was the only remaining Defendant, this matter is **DISMISSED** in its entirety.

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Dated: May 22, 2012

**CERTIFICATE OF SERVICE**

Copies of this Order were mailed to Plaintiff and counsel of record on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt  
Case Manager